

REMARKS

Claims 7, 12 and 13 are presented for consideration, with Claim 7 being independent.

Claims 7, 12 and 13 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by or, in the alternative, under 35 U.S.C. §103 as obvious over Weigl '945. This rejection is respectfully traversed.

In Applicant's claimed detection method for detecting a plurality of different substances contained in a specimen using a same label, a specimen flows through a first substance trapping portion for specifically trapping a first substance and flows through a second substance trapping portion for specifically trapping a second substance different from the first substance. A solution containing the label flows through the first trapping portion immobilizing the first substance trapping body and through the second substance trapping portion immobilizing the second substance trapping body. The label includes a first group of label molecules bonded with a third substance trapping body capable of specifically acting on the first substance and a second group of label molecules bonded with a fourth substance trapping body capable of specifically acting on the second substance.

Claim 7 further features the steps of flowing a solution for generating a signal from the label through the first substance trapping portion to acquire a signal therefrom, and flowing a solution for generating a signal from the label through the second substance trapping portion to acquire a signal therefrom. The solution flowing through the first substance trapping portion immobilizes the label such that a first layer of aqueous solution flow through the first substance trapping portion and a second layer of aqueous solution flow through the second substance

trapping portion coexist while a third layer of alcoholic solution flow exists between the first layer of aqueous solution flow and the second layer of aqueous solution flow and that the solution for generating the signal from the label forms the first layer of aqueous solution flow. The solution flowing through the second substance trapping portion immobilizes the label such that a first layer of aqueous solution flow through the first substance trapping portion and a second layer of aqueous solution flow through the second substance trapping portion coexist while a third layer of alcoholic solution flow exists between the first layer of aqueous solution flow and the second layer of aqueous solution flow and that the solution for generating a signal from the label forms the second layer of aqueous solution flow.

Applicant respectfully maintains his position that the patent to Weigl, which relates to an extraction device that uses an extraction stream to remove particles contained in a sample stream, is directed to a fundamentally different method for detecting a plurality of different substances. As shown in Figure 4, a sample stream 2 enters through an inlet 1, and an extraction stream 4 enters through an inlet 5. Particles of different sizes exist in product streams 25, 28 and 31, and the by-product stream 12 in feed exit channel 10 contains products of small, medium, and large sizes.

Weigl uses reporter beads to measure, for example, pH, oxygen saturation, and ion content, in the sample fluid, as well as alcohols, pesticides, organic salts and sugars (see column 36, lines 17-27). Each reporter bead comprises a substrate bead having a plurality of at least one type of fluorescent reporter molecules immobilized thereon (see column 36, lines 27-29). The plurality of analytes, or particles, can be measured simultaneously because the beads can be

tagged with different reporter molecules (see column 36, lines 41-43). Accordingly, it is respectfully submitted that while Weigl may use a plurality of beads, using one type does not detect a plurality of different substances. In Weigl, as understood, different types of reporter molecules carried by the reporter beads are provided for detecting a plurality of analytes. This was acknowledged in the Office Action of October 16, 2009, where it was stated that Weigl “clearly teaches the use of multiple reporter beads having different labels for detecting a variety of analytes or properties...” (see page 4).

Furthermore, the detecting method in Weigl uses different detection measures, e.g., absorption, fluorescents, or the use of separating different types of beads by using an extraction stream, in order to detect a plurality of analytes. Weigl does not teach or suggest, however, the relatively simple process of flowing a specimen containing different substances through a first substance trapping portion and a second substance trapping portion and flowing a signal generating solution from the label through the first and second substance trapping portions to acquire respective signals.

Accordingly, it is submitted that Weigl does not teach or suggest Applicant’s claimed detection method, and thus reconsideration and withdrawal of the rejection of Claims 7, 12 and 13 is respectfully requested.

Thus, it is submitted that Applicant’s invention as set forth in independent Claim 7 is patentable over the cited art. In addition, dependent Claims 12 and 13 set forth additional features of Applicant’s invention. Independent consideration of the dependent claims is respectfully requested.

In view of the foregoing, reconsideration and allowance of this application is deemed to be in order and such action is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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